

COURT OF COMMON PLEAS

HAMILTON COUNTY, OHIO

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STATE OF OHIO, :

Plaintiff. :

vs. :Case Number B1003262

RUBEN JORDAN, :Appeal Number C1100833

Defendant. :Volume V of XI

- - -

TRANSCRIPT OF PROCEEDINGS

- - -

APPEARANCES:

Seth S. Tieger, Esq.

Megan E. Shanahan, Esq.

On behalf of the State of Ohio.

William P. Whalen, Jr., Esq.

Amy R. Williams, Esq.

On behalf of the Defendant.

BE IT REMEMBERED that upon the Jury

Trial of this cause, on January 18, 2011, before

the Honorable NADINE L. ALLEN, a judge of the

said court, the following proceedings were had,

to wit:

1 KENNETH HEARD

2 Direct ExaminationPage 618, Line 16

3 Cross-ExaminationPage 638, Line 10

4 OFFICER DARRIS SNEED

5 Direct ExaminationPage 644, Line 11

6 Cross-ExaminationPage 649, Line 10

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1 PROCEEDINGS, January 18, 2011

2 THE COURT: Good afternoon. Have a
3 seat, please. We are back on the record
4 on the matter of State vs. Ruben Jordan,
5 on B1003262. And my understanding is
6 that counsel would like to put several
7 matters on the record, starting with
8 Mr. Whalen representing Mr. Jordan.

9 MR. WHALEN: Your Honor, I have had
10 some extensive conversations with my
11 client, and I have advised him I don't
12 think it's in his best interest to take
13 the stand. He's indicated to me that he
14 is going to take the stand, and I just
15 wanted to put that on the record; am I
16 correct?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. So you have
19 explained to him that he does have a
20 Fifth Amendment right to remain silent,
21 and that he may waive that right and he
22 may take the stand. But he also needs to
23 know that if he does, he will be
24 cross-examined, et cetera. And that if
25 you were not to take the stand, and if

1 you were to remain silent, the State or
2 no one could comment on that or use it
3 against him. So he is aware of what it
4 means, what the Fifth Amendment right
5 means. And he's waived that right, so he
6 has a right to take the stand in his own
7 defense. And that is noted of record.

8 Is there anything further that the
9 State would like to put on the record?

10 MR. TIEGER: Judge, the only other
11 thing is that before we started, I think
12 we started on Monday of last week, I
13 asked Mr. Whalen was the defendant
14 interested in working any kind of plea.
15 Mr. Whalen indicated to me that Mr.
16 Jordan was not interested in any kind of
17 plea. We really didn't talk about the
18 specifics at all.

19 And just to make sure we readdress
20 that a second time, Ms. Shanahan and I
21 talked to Mr. Whalen and Ms. Williams a
22 few minutes ago about a plea, and that we
23 would be willing to check on a plea with
24 something less than aggravated murder
25 possibly, something in the flat-time

1 range, if the defendant was interested,
2 and that was communicated to Mr. Whalen
3 and Ms. Williams.

4 THE COURT: Okay.

5 MR. TIEGER: -- several minute ago.

6 MR. WHALEN: And I talked with my
7 client and he's indicated that he's not
8 interested, Your Honor.

9 THE COURT: Is that correct, Mr.
10 Jordan?

11 THE DEFENDANT: Yes, that's
12 correct.

13 THE COURT: All right then. Both
14 of those matters are noted, they are on
15 the record. And I think with that, at
16 this point the next matter is to call the
17 next State's witness, correct?

18 MR. TIEGER: Yes, Your Honor.

19 THE COURT: Okay.

20 (The jury entering the courtroom at
21 12:50 p.m.)

22 THE COURT: You may all be seated.
23 Good afternoon, ladies and gentlemen of
24 the jury. Thank you for coming back and
25 being ready to proceed today. We

1 anticipate that this trial -- today's
2 proceeding will probably end before 4:00,
3 so we are going to try and go straight
4 through. Is there anything further?

5 Get the notepads, yes. While they
6 are getting their notepads, we will call
7 in the next State's witness.

8 MR. TIEGER: Sure, Judge.

9 THE COURT: Okay.

10 MS. WILLIAMS: Sir, would you step
11 up here, please. Step up here, please,
12 and raise you right hand to be sworn.

13 KENNETH HEARD,
14 having been first duly sworn, was examined and
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. TIEGER:

18 Q. Good afternoon, Mr. Heard. There
19 is a mike in front of you here, so you can pull
20 that up so everybody can hear you.

21 Can you tell everybody your name,
22 and spell your last name?

23 A. Kenneth Heard, H-E-A-R-D.

24 Q. And you can pull that mike down a
25 little bit.

1 How old are you, Mr. Heard?

2 A. Thirty-three.

3 Q. And where did you grow up? Did you
4 grow up in Cincinnati?

5 A. Yes.

6 Q. And are you living in Cincinnati
7 now?

8 A. No.

9 Q. Are you living in another state?

10 A. Yes.

11 Q. When did you move out of
12 Cincinnati?

13 A. Um, August of '09.

14 Q. And why did you move out of
15 Cincinnati in August of '09?

16 A. Because I changed my life. I got
17 shot.

18 Q. Was anybody ever prosecuted or
19 charged with that?

20 A. No.

21 Q. It would be fair to say that you've
22 got a prior in the last 10 years, a prior
23 criminal history for felonies or theft offenses;
24 is that fair to say?

25 A. Yes.

1 Q. And how many times have you been to
2 the penitentiary?

3 A. Three.

4 Q. Back in '99, you had a felony drug
5 abuse; is that fair to say?

6 A. Yes.

7 Q. And then a theft in 2000?

8 A. Yes.

9 Q. A trafficking in 2001?

10 A. Yes.

11 Q. Intimidation in 2005?

12 A. Yes.

13 Q. A trafficking in 2007?

14 A. Yes.

15 Q. And before you moved out of
16 Cincinnati, how were you making your money?

17 A. Selling drugs.

18 Q. Would it be fair to say you were a
19 drug dealer?

20 A. Yes.

21 Q. What area of town did you sell in?

22 A. Downtown, Avondale, and Price Hill.

23 Q. And was there a certain kind of
24 drug that you mostly sold?

25 A. Yeah, crack.

1 Q. And what is crack? Is that
2 cocaine?

3 A. Yes.

4 Q. And how do you use crack?

5 A. You smoke it.

6 Q. Okay. And did you ever -- in that
7 world that you were in before you moved out of
8 town, the drug dealing world, did you ever come
9 into contact with somebody that is in the room
10 right now?

11 A. Yes.

12 Q. And who is that?

13 A. Ruben Jordan.

14 Q. Okay. And where is he sitting
15 today, Mr. Heard?

16 A. Right there.

17 Q. What color shirt is he wearing? Is
18 it striped?

19 A. Yeah, striped.

20 Q. This gentleman right here?

21 A. Yes.

22 MR. TIEGER: Okay. would the
23 record show identification of the
24 defendant, Your Honor?

25 THE COURT: Any objection to

1 that --

2 MR. WHALEN: No, Your Honor.

3 THE COURT: -- fact?

4 Q. Did you know Mr. Jordan's real name
5 when you first met him, Mr. Heard?

6 A. No.

7 Q. What did you know him as?

8 A. Red.

9 Q. Red, like the color?

10 A. Yes.

11 Q. If you could explain to the jury,
12 Mr. Heard, in your own words, how you first met
13 the person that you knew as Red?

14 A. Through a mutual friend. And he
15 wanted to buy some drugs, and I had some and I
16 sold it to him.

17 Q. Can you estimate for the jury, Mr.
18 Heard, approximately when that would have been
19 that you first met the person you later found
20 out to be Mr. Jordan?

21 A. Beginning of '08.

22 Q. You said beginning of 2008?

23 A. Yes.

24 Q. And did you say you were introduced
25 to him, or was he just a walk-on customer, so to

1 speak?

2 A. Introduced.

3 Q. Introduced?

4 A. Yeah.

5 Q. And you said he bought from you
6 that first time?

7 A. Yes.

8 Q. What did you sell him?

9 A. A 20.

10 Q. Okay. And if you could explain to
11 the jury what a 20 is.

12 A. \$20 worth of crack.

13 Q. And how is crack packaged? Is it
14 powder or is it solid or --

15 A. It's solid, like a rock.

16 Q. And would you refer to it as like a
17 \$20 rock?

18 A. Yes.

19 Q. And is that shortened up just to
20 call it a 20?

21 A. Yeah.

22 Q. And if you want to buy \$10 worth,
23 what's that called?

24 A. A dime.

25 Q. A dime, or a 20-cent piece?

1 A. Yeah.

2 Q. I've been doing this a little too
3 long, so I'm somewhat familiar with those words.
4 How often did you see him after -- that first
5 time in early 2008, how often would you see the
6 person you knew as Red?

7 A. A few times a week, no more than
8 five.

9 Q. A few times a week?

10 A. Yeah.

11 Q. What part of town -- you told the
12 jury a few moments ago, Mr. Heard, that you sold
13 in a couple different parts of town. Was there
14 a certain part of town that you normally sold to
15 Red?

16 A. Avondale. Burnet Avenue.

17 Q. And what's that near, Burnet
18 Avenue?

19 A. The hospital, UDF, drug rehab.

20 Q. Like, if you were at Children's
21 Hospital and you went like towards the zoo or
22 from Children's Hospital up towards --

23 A. South.

24 Q. -- King.

25 A. Yeah, that's south. Yeah.

1 Q. Or towards like downtown, that kind
2 of part of Burnet?

3 A. Yes.

4 Q. Would that be where you sold to
5 Red, or would you ever sell to him in Price Hill
6 or downtown?

7 A. Nah, I ain't never sold it to him
8 in Price Hill or downtown.

9 Q. It was always on Burnet?

10 A. Yes.

11 Q. Did you know where he lived, Mr.
12 Heard?

13 A. Somewhere down off Burnet. I ain't
14 know. I ain't never been there.

15 Q. Have you ever heard of a street
16 called Hearne Avenue?

17 A. Yes.

18 Q. Okay. Is that a street off of
19 Burnet?

20 A. Yes.

21 Q. Did you ever go to Red's house at
22 all?

23 A. No.

24 Q. How would Red make contact with
25 you, or how would he know where you were to buy

1 from you?

2 A. He had called me.

3 Q. And did you have a cell phone?

4 A. Yes.

5 Q. And did he have your cell phone
6 number?

7 A. Yes.

8 Q. How did he get that number?

9 A. I gave it to him.

10 Q. And would you ever -- so if you
11 could explain to the jury, Mr. Heard, you would
12 get a phone call.

13 A. Yes.

14 Q. And would that person identify
15 themselves?

16 A. Yes.

17 Q. And what would that person say?

18 A. Said Kenny, this Red, are you doing
19 anything? I'd tell him yep.

20 Q. I'm sorry. Go a little slower. He
21 said, Kenny?

22 A. Yes.

23 Q. Is that what he called you?

24 A. Yes.

25 Q. And he said, this is Red?

1 A. Yes. And he said, are you doing
2 anything? And I'd tell him yep, and he'd tell
3 me -- I'd tell him to meet me at the spot.

4 Q. Would you tell him where you were?

5 A. He knew where I was, because I
6 be -- I was on Burnet.

7 Q. Okay. I mean, Burnet is a pretty
8 big street. Was there a certain spot that he
9 knew that you were normally hanging at?

10 A. Yeah, by UDF.

11 Q. Is that on the corner of King and
12 Burnet?

13 A. Yes.

14 Q. And then when he would come see
15 you, do you know if he would be on foot normally
16 or in a car?

17 A. Foot. I ain't never seen him
18 drive.

19 Q. How long after the cell phone call
20 would he normally show up on Burnet?

21 A. About 20 minutes.

22 Q. Not long?

23 A. Not long.

24 Q. And then if you could explain the
25 deals that you made with him, just on a daily

1 basis over the next period of time, you'd have
2 the --

3 A. Product and he had the money, and
4 we'd exchange.

5 Q. He's in court today, he's got, it
6 looks like, either a bald or shaved head. What
7 was his appearance like during that time period,
8 Mr. Heard?

9 A. The same, bald, shaved head. I
10 ain't never seen him with hair.

11 Q. And when he would buy from you, did
12 you normally have any kind of conversation with
13 him at all?

14 A. No, not until the day he told me
15 what he told me.

16 Q. How would it normally go when
17 you'd -- he'd show up, would it just be -- if
18 you could let the jury know how that --

19 A. It just was business. He want
20 whatever he wanted, whatever money -- amount of
21 money he had, I gave him that much crack, and
22 that was it.

23 Q. I'm going to ask you now to think
24 back, Mr. Heard, some time prior to you getting
25 shot, do you remember what month you were shot

1 in?

2 A. April.

3 Q. of what year?

4 A. '09.

5 Q. '09?

6 A. Yes.

7 Q. Before you got shot, some time in
8 March/April of 2009, did you have a conversation
9 with Red that was different than the normal
10 conversation that you had with him?

11 A. Yes.

12 Q. And could you explain specifically
13 the specifics of that conversation?

14 A. He called me, told me he had \$15,
15 and I told him I don't sell nothing but 20s, and
16 I told him he will owe me five, and he said he
17 on his way. When he got up there he was
18 nervous. Two police drove down the street, and
19 I thought he tried to set me up. And I said,
20 why you nervous?

21 Q. And where were you that day?

22 A. On Burnet.

23 Q. And any specific part of Burnet?

24 A. Yeah, it was on a porch by UDF,
25 right down the street from UDF.

1 Q. All right. And had he normally
2 acted nervous before?

3 A. Nah, it was a different type of
4 nervous, something was wrong.

5 Q. And did you ask him like, what's
6 going on?

7 A. Yeah. I asked him what's going on,
8 and he said his son in jail for something he
9 did. And I said, turn yourself in. And he said
10 he can't, it's a capital case. And I said, what
11 that mean, whatchu do? And he said he collapsed
12 somebody, that mean shot somebody and killed
13 them.

14 Q. Did he say why he did it?

15 A. Yeah. He said so he wouldn't
16 testify against his son.

17 Q. And what was Red's appearance like
18 when he was saying this to you?

19 A. He started crying.

20 Q. He started crying?

21 A. Yes.

22 Q. Okay. And when he told you that he
23 killed somebody that was going to be a witness
24 against his son and he had to do it, what did
25 you say?

1 A. I told him he going to hell.

2 Q. Why did you tell him that he was
3 going to hell?

4 A. Because he killed somebody, and he
5 letting his son go to jail for it.

6 Q. Did he say how he did it? How he
7 killed this witness against his son?

8 A. He said he shot him. I think he
9 said he shot him twice.

10 Q. What was your reaction to him after
11 he told you he had killed somebody to protect
12 his son, so this person wouldn't testify against
13 him?

14 A. I ain't really want to deal with
15 him no more, because somebody let they son go
16 down, he'd let me go down, so I ain't really
17 want to be around him no more.

18 Q. Prior to moving out of town, then,
19 several months later, did you have another
20 conversation with him about some of the facts of
21 what had been going on?

22 A. Yeah. He said --

23 Q. When was that conversation, if you
24 recall?

25 A. I don't remember the exact date,

1 but it was around the summertime.

2 Q. Right, of 2009?

3 A. Yeah.

4 Q. And what did Red tell you that
5 time?

6 A. He said his family tried to set him
7 up to get him to admit it on tape. The girl had
8 the tape recorder between her legs and he
9 noticed it and walked out.

10 Q. Okay. Did somebody try to get him
11 to confess on tape, somebody in his family?

12 A. Yes.

13 Q. Did he say that worked at all?

14 A. No, he said it didn't work, he
15 walked out.

16 Q. Because he discovered what they
17 were doing?

18 A. Yeah.

19 Q. After you had all this information,
20 did you ever tell anybody, like in law
21 enforcement --

22 A. Yes.

23 Q. -- about it?

24 A. Yes.

25 Q. Who is the first person that you

1 told, Mr. Heard?

2 A. Officer Sneed.

3 Q. why did you tell officer Sneed?

4 A. 'Cause that's something he need to
5 go to jail. That's just wrong what he did. It
6 just ain't right. And plus I got shot, so I
7 know how it feel. I don't wish that on nobody.

8 Q. Had you known Officer Sneed before?

9 A. Yeah, we met in '99.

10 Q. Was he one of the arresting
11 officers on one of your first felonies?

12 A. Yes.

13 Q. And over the years, have you given
14 him information on various things?

15 A. Yes.

16 Q. And he's somebody that you trusted?

17 A. Yes.

18 Q. When you first talked to Red about
19 what you heard Red say, did you have any
20 specific information about Red, his name, or
21 anything like that?

22 A. No, I ain't know his name.

23 Q. Did you know the victim's name?

24 A. No.

25 Q. And when you told Officer Sneed

1 that some guy named Red had admitted killing
2 somebody, what did Sneed say?

3 A. He asked for the victim name, Red
4 name, and I ain't know -- I don't know the
5 victim name to this day, and I ain't know Red
6 name. He said I got to get more information.

7 Q. And did you ever get more
8 information about the real name of Red?

9 A. Yeah, he told me.

10 Q. What name did he tell you?

11 A. Ruben Jordan.

12 Q. And after you got the real name of
13 Ruben Jordan, what did you do?

14 A. I called Sneed back -- nah, I saw
15 him. I saw him at Kroger's on Vine and he gave
16 me the detective name, number, and I called her
17 and told her.

18 Q. And what name and number -- what
19 name did he give you?

20 A. Jenny Luke.

21 Q. A homicide detective?

22 A. Yes.

23 Q. And did you call Detective Luke and
24 leave a message?

25 A. Yes.

1 Q. And then over -- do you recall
2 approximately when that would have been?

3 A. The end of '09, beginning of
4 '010 -- I mean, 2010.

5 Q. All right. Now, did you become
6 aware at some point, Mr. Heard, that on
7 February 8th -- and I know this goes back a
8 while, but on February 8th of 2010, let me just
9 throw this out, that Mr. Jordan had to give a
10 swab of his cheek for a DNA sample?

11 A. Yes.

12 Q. Do you recall calling Detective
13 Luke on February 11th of 2010, just a few days
14 later?

15 A. Yes.

16 Q. And do you recall what you told
17 Detective Luke on February 11th?

18 A. I don't remember the exact words,
19 but I told her that he shook up, he's nervous
20 because he think he left something at the scene,
21 because he just said you all took his DNA.

22 Q. And when you're talking about he's
23 nervous or he's shook up, that he thinks he left
24 some DNA behind at the scene, who are you
25 referring to?

1 A. Ruben Jordan.

2 Q. How do you know, Mr. Heard, that he
3 was nervous or shook up about leaving something
4 behind at the scene?

5 A. Because he kept talking about it.
6 Because I was on the phone with somebody and he
7 was in the background.

8 Q. Who was in the background?

9 A. Ruben Jordan.

10 Q. Were you on the phone with a mutual
11 friend?

12 A. Yes.

13 Q. What was that friend's name?

14 A. Johnny Brown.

15 Q. Does he have a nickname?

16 A. Goose.

17 Q. So, Jordan was at Goose's house and
18 you were on the phone with Goose at the time?

19 A. Yes.

20 Q. You heard Jordan say that he was
21 worried that he left something behind?

22 A. Yes.

23 Q. And you related that to Detective
24 Luke?

25 A. Yeah. He thought he left a

1 cigarette.

2 Q. And then after that, you met with
3 Detective Luke at some point several months
4 later in May of 2010?

5 A. Yes.

6 Q. Had you ever seen or talked to Mr.
7 Jordan since then, Mr. Heard?

8 A. No. Well, I seen him on TV.

9 Q. Okay. I know when you're a CI you
10 might get case consideration for giving
11 information. Do you know what that means?

12 A. Yes.

13 Q. What does that mean to you?

14 A. Get the charges lowered or dropped.

15 Q. Okay. And this information that
16 you gave to Officer Sneed and Detective Luke
17 about Ruben Jordan confessing that he killed
18 Mr. Davis to protect his son, are you getting
19 anything for that?

20 A. No.

21 Q. Did you ever ask for anything for
22 that?

23 A. No.

24 Q. Why are you coming forward to the
25 police in front of all these people in the

1 courtroom and a jury and telling them what he
2 said?

3 A. Because what he did was wrong. I
4 just felt like somebody need to stand up.

5 MR. TIEGER: Just one moment,
6 Judge.

7 That's all I have, Judge. Thank
8 you.

9 THE COURT: Okay. Cross?

10 CROSS-EXAMINATION

11 BY MS. WILLIAMS:

12 Q. Mr. Heard, you said that you met
13 Mr. Jordan through a friend, correct?

14 A. Yes.

15 Q. What -- do you know what that
16 friend's name is, do you remember?

17 A. Johnny Brown.

18 Q. That was Johnny Brown. This is
19 Goose that you're talking about?

20 A. Yes.

21 Q. But you had never met Mr. Jordan
22 personally?

23 A. Before then, no.

24 Q. Okay. And you said that you had
25 sold him drugs on numerous occasions, about two

1 to five times a week, I think you said?

2 A. Yeah.

3 Q. How many weeks are we talking?

4 A. From the time I met him until --
5 for about a year.

6 Q. About a year. And you never knew
7 what his real name was?

8 A. No.

9 Q. When did you find out his name was
10 Ruben Jordan?

11 A. When he told me. When I asked him,
12 and he told me.

13 Q. Okay. And that was before you knew
14 all about this case?

15 A. Nah, that was after. That's why I
16 asked him his name, because the detective told
17 me she needed his name.

18 Q. Okay. Did you ever do drugs
19 yourself?

20 A. Yes.

21 Q. Okay. Were you ever charged with
22 possession or doing drugs, or just trafficking?

23 A. Yeah, possession and doing drugs,
24 drug abuse.

25 Q. Okay. Were you doing drugs at any

1 of the times you say you heard Mr. Jordan make
2 these statements?

3 A. Nah, they was.

4 Q. They was?

5 A. Yeah.

6 Q. Who was?

7 A. Goose and Ruben, they snort pills.

8 And Goose used to smoke crack. He been clean
9 for like six years; but Ruben, he still smoke
10 crack.

11 Q. How do you know that?

12 A. Because he was buying it from me.

13 Q. How do you know he was actually
14 using it, though, just because he was buying it
15 from you, or so you say?

16 A. Because he be having crack pipes
17 and he get busted at people's house pushing the
18 pipe, trying to get a hit.

19 Q. How -- I mean, if you're looking at
20 Mr. Jordan right now, how old would you say he
21 looks?

22 A. About 40.

23 Q. About 40. Do you remember an
24 interview that you gave to Detective Luke on
25 February 11th of 2010?

1 A. Yes.

2 Q. Do you remember how old you said
3 Mr. Jordan was to her?

4 A. About 40.

5 Q. Okay. Do you remember telling her
6 he's in his early 20s?

7 A. No. That's a misprint.

8 Q. Thanks. I'll show you the
9 transcript that was taken from that. If you
10 could just read what you -- what they said you
11 said?

12 A. His name is Ruben Jordan, and he's
13 in his early 20s.

14 Q. Okay. Thank you. But Mr. Jordan,
15 obviously, isn't in his early 20s, correct?

16 A. I know. Because I knew he was
17 older than me, and I'm 33, so I wouldn't have
18 said that. That's a misprint.

19 Q. Okay. And you said that you were
20 testifying today because you didn't -- you
21 thought this was wrong and you wanted him to go
22 to jail, correct?

23 A. Right.

24 Q. And you don't get anything
25 personally for testifying in this case?

1 A. No.

2 Q. Okay. And you had worked as a
3 snitch for the officers for some time, correct?

4 A. I wasn't no snitch.

5 Q. Okay. You didn't do any work for
6 the officers?

7 A. Yes.

8 Q. Okay. So, you didn't get
9 anything -- you had done some work for officers
10 in exchange for some deals on your prior cases?

11 A. Yes.

12 Q. Okay. But you didn't do any
13 snitching work?

14 A. Nah, that ain't snitching.

15 Q. Okay. So, you don't get anything
16 for testifying today?

17 A. No, again.

18 Q. And you said that he actually told
19 you that he shot Mr. Davis?

20 A. Yes.

21 Q. And that he shot him twice?

22 A. Yes.

23 Q. Okay. So if I told you that Mr.
24 Jordan was actually shot three times, that would
25 surprise you?

1 A. No.

2 Q. Okay. But he actually said, I only
3 shot him twice?

4 A. Yeah, that's what I thought he
5 said.

6 Q. Okay. And you said that you had
7 been shot back in April of 2009, correct?

8 A. Yes.

9 Q. Okay. And that had nothing to do
10 with Mr. Jordan or Kareem Gilbert or anything
11 related to this incident, correct?

12 A. Nope.

13 MS. WILLIAMS: Okay. No further
14 questions, Your Honor.

15 THE COURT: Thank you, sir.

16 Do you have anything else from the
17 State?

18 MR. TIEGER: No, Your Honor.

19 THE COURT: Thank you very much for
20 your testimony, sir. You may step down,
21 and you're probably released.

22 MR. TIEGER: That will be fine,
23 Judge.

24 THE COURT: Both sides. He's being
25 released. Do you object? All right.

1 Thank you, sir.

2 (Witness excused.)

3 MR. TIEGER: Police Officer Sneed.

4 THE COURT: Officer, you may step
5 forward. Officer, you do need to be
6 sworn in.

7 THE WITNESS: Yes, ma'am.

8 OFFICER DARRIS SNEED,
9 having been first duly sworn, was examined and
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. TIEGER:

13 Q. Good afternoon.

14 A. Good afternoon.

15 Q. Could you please tell us your name,
16 and spell your first and last name for me.

17 A. My name is Darris, D-A, double R,
18 I-S. Sneed is S-N-E-E-D.

19 Q. And what's your occupation,
20 Mr. Sneed?

21 A. Police officer.

22 Q. And is that for the City of
23 Cincinnati?

24 A. Yes, it is.

25 Q. How long have you been a Cincinnati

1 police officer?

2 A. Fourteen years.

3 Q. The gentleman that just left, Mr.
4 Heard, did you know Mr. Heard prior to today?

5 A. Yes.

6 Q. And, in fact, were you involved in
7 his arrest for a drug case in 1999?

8 A. Yes, that's true.

9 Q. Were you part of the drug squad
10 back then?

11 A. Yes.

12 Q. And what are you doing now?

13 A. I'm a detective in District 3.

14 Q. Investigating whatever crimes
15 happen in the west side of the City?

16 A. Yes, that's correct.

17 Q. Not only involved in the drug
18 world, like you were before, but kind of
19 anything that goes on?

20 A. Right. Burglaries, felonious
21 assaults, things like that.

22 Q. Okay. Since 1999, did Mr. Heard
23 provide information to you in exchange for case
24 consideration?

25 A. Since '99?

1 Q. Or during that case in '99?

2 A. Yes, he did.

3 Q. And you have kept in touch with him
4 over the years?

5 A. Yes, up to like maybe about -- I
6 don't know, maybe seven, eight years ago.

7 Q. Okay. I'm going to direct your
8 attention now till some time in maybe the summer
9 of 2009. Did you get involved with Mr. Heard
10 again?

11 A. Yes, I did.

12 Q. And can you tell the jury how you
13 got involved with him?

14 A. He called me on my phone. He got
15 my number and he called my work phone and left
16 me a message, said it's very important that I
17 get in touch with him, that he had information
18 on a homicide. So, he left the number for me to
19 call him back.

20 I -- after I got the message, I
21 called him back and I couldn't reach him. He,
22 in turn, called me back, maybe a couple days or
23 so later and we talked, and he told me that he
24 had information on a homicide and he didn't have
25 a name.

1 So, I told him that he had to get
2 more information, you know, had to get a name
3 and things like that in order for me to pass it
4 on, because I would say we have a lot of
5 homicides here in Cincinnati, and it's just not
6 enough information for me to pass on.

7 Q. When you say he didn't have a name,
8 he didn't have any -- maybe he had a nickname,
9 but he didn't have any kind of formal names?

10 A. Yes. He didn't have a formal name,
11 anything that we can look up in the computer or
12 something that a homicide detective will say,
13 okay, I'm familiar with that name.

14 Q. Okay. So you told -- you asked
15 him, I can't really -- what did you say to him?

16 A. I told him, I can't really do
17 anything with it, or it's not enough information
18 for me to give to a homicide detective because
19 they need more to go on.

20 Q. Okay. A period of time passes, and
21 then what happened next, Officer Sneed?

22 A. Working an off-duty detail at the
23 Kroger's on Vine Street, 1420 Vine, across the
24 street from where Smitty's Clothing Store used
25 to be at, and I see him on Vine Street, and

1 he -- I'm out in the parking lot. And he comes
2 in the parking lot, he said, hey, I have more
3 information for you, he said, I have a name for
4 you now. I said, okay, well, here's what I am
5 going to do, because I can't do much with it, I
6 don't work in homicides at all. So I said, I'm
7 going to give you a number of one of the
8 homicide detectives to call. And I gave him
9 that number and he left.

10 Q. Okay. And whose number did you
11 give him, Officer Sneed?

12 A. Detective Jen Luke.

13 Q. And did you have her phone number?

14 A. Yes.

15 Q. Did you ask Mr. Heard to give you
16 the name, or did you stay out of it and let him
17 deal directly with Detective Luke?

18 A. I stayed out of it. I think it's
19 more important with anybody's case to do that.
20 I always try to stay out of it because I don't
21 want them talking to me, telling me information,
22 you know, and then they come and tell the
23 detective that they need to talk to, you know --
24 basically, you know, something that I can't help
25 them with really. I couldn't go into too much

1 detail to help him out, so I just stayed out of
2 it.

3 Q. Okay. Was that basically the end
4 of your involvement with Mr. Heard, other than
5 getting notified for court?

6 A. Yes.

7 MR. TIEGER: Just one moment. No
8 further questions, Judge.

9 THE COURT: Okay.

10 CROSS-EXAMINATION

11 BY MS. WILLIAMS:

12 Q. Detective Sneed, I'm sorry, how
13 many conversations did you say you had with Mr.
14 Heard?

15 A. He left me a message on my
16 voicemail, and I called him back, couldn't reach
17 him. Then he called me and we talked, and then
18 I saw him downtown on Vine Street, so with -- in
19 reference to this incident, two.

20 Q. Okay. Two conversations and one
21 message?

22 A. Yes. The message that he left me,
23 and I also left him a message.

24 Q. Okay. When you tried to call him
25 back and didn't reach him, did you just leave

1 him a message, or did you get a voicemail, or
2 did it say that the phone wasn't available?

3 A. I just -- I remember leaving him a
4 message telling him that this is Sneed calling
5 you back, you know, call me when you get the
6 message.

7 Q. And he said that you were the first
8 person that he called?

9 A. Did he say I was the first person?

10 Q. Yes.

11 A. He didn't say either way, that I
12 was the first person or not.

13 Q. Okay. And you said you hadn't had
14 any contact with him for seven or eight years?

15 A. As far as him working with us.

16 Q. Okay.

17 A. Yeah. I have seen him in the
18 streets of Price Hill, you know, just in
19 passing, but we didn't talk or anything.

20 Q. Okay. So, you don't know why you
21 would be the first person he would call if he
22 knew this information -- if he knew information?

23 A. I believe it's because -- I mean,
24 we had a relationship where he worked with us,
25 you know, with our drug task force, and so we

1 developed sort of a rapport, you know, over
2 those years.

3 Q. Okay. What kind of work did he do
4 for you?

5 A. He was an informant for us.

6 Q. Okay. What they call on the street
7 "a snitch" --

8 A. Yes.

9 Q. -- basically? Okay. When he did
10 finally know a name, that's when he came back
11 and you saw him on the street?

12 A. Actually, I was working. It was
13 sort of just a coincidence. I was downtown
14 working and he was downtown and he saw me, and
15 he said, hey, I got a name for you, you know.

16 Q. And how many days after -- how long
17 after your original conversation, when you told
18 him you needed a name, was this?

19 A. I'm not sure.

20 Q. Okay. Was it like a couple of
21 weeks, or just a couple of days?

22 A. I know it was a couple of weeks.

23 Q. Okay. Did he say how he got that
24 name?

25 A. No, he didn't tell me, and I didn't

1 ask him.

2 Q. Okay. But you told him he needed a
3 name, and then just suddenly he has a name?

4 A. I told him he needed more
5 information, like a name, you know, that would
6 connect what he is saying to what actually
7 occurred.

8 MS. WILLIAMS: Okay. No further
9 questions, Your Honor.

10 THE COURT: Anything else, Counsel?

11 MR. TIEGER: Just one moment,
12 Judge. Nothing further, Judge.

13 THE COURT: All right. So, the
14 State is adjourning for this moment,
15 right?

16 MR. TIEGER: Yeah, we don't -- I
17 have no further questions for Detective
18 Sneed, so it's fine if he's excused.

19 THE COURT: He's excused, counsel.

20 MR. WHALEN: Fine, Your Honor.

21 THE COURT: All right. Thank you,
22 officer. You are excused.

23 THE WITNESS: Thank you.

24 (Witness excused.)

25 THE COURT: And, at this point, the

1 State is not going to call any further
2 witnesses today, correct?

3 MR. TIEGER: Judge, I know we
4 talked before court about how it's all
5 gonna happen. I think we have two more
6 witnesses to present, and I think for the
7 convenience of everybody it would be
8 easier if we did -- and I apologize to
9 the Court and jury for the timing, I know
10 it's --

11 THE COURT: Well, I'm just going to
12 explain to the jury that due to new
13 developments, we are going to be
14 adjourning for today. I don't think the
15 jury is going to explain to the Jury
16 Commissioner.

17 So, at this point, we want to thank
18 you and excuse you for today, and you are
19 to remember your admonitions. But you
20 are released for today, and you do not
21 have to report to the Jury Commission
22 because you are in this case and this
23 case alone, so you are free to go and do
24 whatever you need to do today. Thank you
25 very much for your time and attention.

1 MR. TIEGER: Judge, what time
2 tomorrow did you want to try to start?

3 THE COURT: Tomorrow, we are going
4 to do it at noon. Start at noon, because
5 I do have a morning docket. Thank you.

6 MR. TIEGER: Thank you, Your Honor.

7 BAILIFF: All rise for the jury,
8 please.

9 (The jury leaving the courtroom at
10 1:28 p.m.)

11 THE COURT: Anything further,
12 counsels?

13 MR. TIEGER: Judge, like I think we
14 talked about before, our last two
15 witnesses would probably be Kareem
16 Gilbert and then Detective Luke, and then
17 we would most likely rest at that point.
18 So I don't know if the Court could ask
19 the defense if, depending on how much
20 time they're gonna take with Mr. Gilbert
21 or Detective Luke, if the Court would
22 want them to be prepared with their
23 witnesses tomorrow or not? Judge, either
24 way, we'll see what happens.

25 THE COURT: Right. I'm just --

1 MR. WHALEN: Your Honor, I believe
2 we should be able to go forward tomorrow.

3 THE COURT: You'll be ready and
4 have your witnesses in case, and if they
5 aren't called tomorrow, they may have to
6 come back on Thursday or Friday.

7 MR. TIEGER: Thank you, Judge.

8 THE COURT: Okay. With that, we
9 are adjourned for the day.

10 MR. TIEGER: Thanks, Judge.

11 MS. SHANAHAN: Thank you, Your
12 Honor.

13 (Proceedings continued in progress
14 until January 19, 2011.)
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